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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,984 | 07/10/2003 | Sang-Whook Kim | 1293.1747 | 1247 |

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

HALEY, JOSEPH R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2653

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,984

Applicant(s)

KIM ET AL.

Examiner

Joseph Haley

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-22 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-12, 23-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 28 and 30-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant claims determining the type of disc by comparing the RPM with a first reference value. However, there is only a showing of comparing the RPM with a second reference value and not a first.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Oonishi (US 5295125).

In regard to claim 1, Oonishi teaches a method of identifying a type of a disc, comprising: detecting an RPM (Rotation Per Minute) of the disc; and identifying a first disc type by comparing the RPM with a first reference value (fig. 6 see also column 7 lines 65-68 and column 8 lines 1-6).

In regard to claim 8, Oonishi teaches an apparatus identifying a type of a disc, comprising: a motor rotating the disc; and a system controller identifying the type of the disc by comparing an RPM of the disc detected using a frequency signal generated at the motor with a first reference value (fig. 6 see also column 7 lines 65-68 and column 8 lines 1-6).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogihara (US 6868051).

In regard to claim 23, Ogihara teaches an apparatus that identifies a disc type, comprising: an RF (radio frequency) amplifier that produces a push-pull signal from light received from a disc (fig. 2 element PD); a wobble detector that filters a wobble signal from the push-pull signal (column 3 lines 43-46); and a system controller that identifies the disc type from the wobble signal (fig. 1 element 105).

In regard to claim 24, Ogihara teaches a pickup that receives reflected light from the disc (fig. 1 element 103).

In regard to claim 25, Ogihara teaches the pickup comprises: an objective lens; an actuator to drive the objective lens; a laser diode; and an optical detector (column 2 lines 44-46).

In regard to claim 26, Ogihara teaches a servo controller that drives the actuator and thus moves the objective lens up and down to detect the reflected light (fig. 1 element 103 see also column 2 lines 59-61 where Ogihara teaches focus control).

In regard to claim 27, Ogihara teaches a spindle motor that rotates the disc based on FG signals (column 2 lines 61-65 Ogihara teaches a constant linear velocity).

Claim 16 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono (US 6822936).

In regard to claim 16, Ono teaches a method of identifying a disc type, comprising: receiving reflected light reflected from a disc, wherein the disc is identified as a one-time recordable type or as a re-recordable type based on the amount of the reflected light received (fig. 8 element 2090).

In regard to claim 29, Ono teaches a method of identifying a type of a disc, comprising: comparing a disc reflectivity with a first reference value; and identifying the disc as a DVD(R) type if the reflectivity is higher than the first reference value and as a DVD(RW) if the reflectivity is lower than the first reference value (fig. 8 elements 2090, 2100 and 2150).

Allowable Subject Matter

Claims 28 and 30-31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-22 and 32 are allowed.

Claims 2-7 and 9-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach all the elements of the allowed claims in combination with any other reference.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrh 


TAN DINH
PRIMARY EXAMINER
11/04/06